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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CITY OF ALMATY, a foreign state,

Plaintiff,

v.

VIKTOR KHRAPUNOV, an  
individual, *et al.*,

Defendants.

Case No. 2:15-cv-02628-FMO-CW

Judge: Hon. Fernando M. Olguin  
Magistrate Judge: Hon. Carla Woehrle

**DECLARATION OF JULIE R. F.  
GERCHIK IN SUPPORT OF  
PLAINTIFF CITY OF ALMATY'S  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION, OR  
IN THE ALTERNATIVE, ON THE  
BASIS OF *FORUM NON  
CONVENIENS***

Action Filed: April 15, 2015

Hearing Date: September 24, 2015  
Time: 10:00 a.m.  
Courtroom: 22

**DECLARATION OF JULIE R. F. GERCHIK**

1. I, Julie R. F. Gerchik, have personal knowledge of the facts set forth herein and, if called to do so, could and would competently testify thereto.

2. I am an attorney licensed to practice law in the State of California. I am an attorney at Latham & Watkins LLP, and I am counsel for Plaintiff City of Almaty (“Plaintiff” or “Almaty”) in this case.

3. Attached hereto as **Exhibit 1, Bates-numbered GE0000295-301**, is an email chain with the subject line “Fwd: Re: 606 N Alta-STATUS UPDATE,” between Defendant Iliyas Khrapunov (“Iliyas”), his attorney, Mark Gillieron, his real estate agent, Zach Goldsmith, and his escrow agent, Mark Fishman, with emails dated between December 23 and 29, 2011. This document was produced to my office by Granite Escrow Services in response to a subpoena in related case *City of Almaty v. Viktor Khrapunov et al.*, No 2:14-cv-03650 FMO-CW (C.D. 2014) (“Almaty I”) in May of 2015. I certify that **Exhibit 1** is a true and correct copy of the document received in my office.

4. Attached hereto as **Exhibit 2** is an email chain between Iliyas, his attorney, Mark Gillieron, his real estate agent, Zach Goldsmith, and his attorney, Ramsey Hanna, dated November 16, 2012. This document was produced to my office by Hilton & Hyland Real Estate Services in response to a subpoena in related case Almaty I. I certify that **Exhibit 2** is a true and correct copy of the document received in my office. Pursuant to a protective order, this document is filed under seal.

5. Attached hereto as **Exhibit 3** is an email between Iliyas, Elvira Kudryashova “Elvira,” a defendant in the related case, and their real estate agent, Zach Goldsmith. The email was sent on November 20, 2011. This document was produced to my office by Hilton & Hyland Real Estate Services in response to a subpoena in related case Almaty I. I certify that **Exhibit 3** is a true and correct copy of the document received in my office. Pursuant to a protective order, this

1 document is filed under seal.

2 6. Attached hereto as **Exhibit 4** is a true and correct copy of bank records for  
3 Elvira, a defendant in related case Almaty I, produced by Wells Fargo, N.A. Bank  
4 (“Wells Fargo”) in response to a subpoena. I certify that **Exhibit 4** is a true and  
5 correct copy of the documents received in my office from Wells Fargo. Due to the  
6 confidential contents, this document is filed under seal.

7 7. Attached hereto as **Exhibit 5** is a true and correct copy of bank records for  
8 RPM-MARO LLC, a defendant in related case Almaty I, produced by JPMorgan  
9 Chase Bank, NA (“JP Morgan”) in response to a subpoena. I certify that **Exhibit 5**  
10 is a true and correct copy of the documents received in my office from JP Morgan.  
11 Due to the confidential contents, this document is filed under seal.

12 8. Attached hereto as **Exhibit 6, Bates-numbered GE0000697**, is an email  
13 with the subject line “628 N. Alta – Buyer contact information” between Zach  
14 Goldsmith, Iliyas’s real estate agent, and Mark Fishman, Iliyas’s escrow agent,  
15 dated November 26, 2012. This document was produced to my office by Granite  
16 Escrow Services in response to a subpoena in related case Almaty I. I certify that  
17 **Exhibit 6** is a true and correct copy of the document received in my office from  
18 Granite Escrow Services.

19 9. Attached hereto as **Exhibit 7** are bank records for Elvira and Defendant  
20 Leila Khrapunova (“Leila”). These documents were produced to my office by  
21 Wells Fargo in response to a subpoena in related case Almaty I on June 16, 2015. I  
22 certify that **Exhibit 7** is a true and correct copy of the documents received by my  
23 office from Wells Fargo.

24 10. Attached as **Exhibit 8, Bates-numbered COA0000352-53**, is a true and  
25 correct copy of a Resolution from the Department for State Assets and  
26 Privatization of the Ministry of Finance of the Republic of Kazakhstan, privatizing  
27 Almaty-Demalys, dated September 22, 1998. Upon information and belief the  
28 document is in Russian. This document was produced by Plaintiff in Almaty I.

Pursuant to a protective order, this document is filed under seal.

11. Attached as **Exhibit 9** is a certified translation of Exhibit 8, the Resolution from the Department of State Assets and Privatization of the Ministry of Finance of the Republic of Kazakhstan. In its certification, the translator identified the document by its identification number, CTRL-HC-20150523-00000881, not its Bates number. I certify that CTRL-HC-20150523-00000881 is the same document that was produced by Plaintiff in Almaty I as COA0000352-53. Pursuant to a protective order, this document is filed under seal.

12. Attached as **Exhibit 10, Bates-numbered COA0000362-366**, is a true and correct copy of a meeting memorandum for Almaty-Demalys entitled “Memorandum of Closed Joint Stock Company Almaty-Demalys,” dated May 15, 2000. Upon information and belief the document is in Russian. This document was produced by Plaintiff in Almaty I. Pursuant to a protective order, this document is filed under seal.

13. Attached as **Exhibit 11** is a certified translation of Exhibit 10, the meeting memorandum for Almaty-Demalys entitled “Memorandum of Closed Joint Stock Company Almaty-Demalys,” dated May 15, 2000. Pursuant to a protective order, this document is filed under seal.

14. Attached as **Exhibit 12, Bates-numbered COA0000071-72**, is a true and correct copy of the contract between Kuandyk Mukhambetgalievich Biskultanov acting on behalf of Almaty-Demalys and Viled Establishment for 49% of the state-owned block of shares, dated April 18, 2001. The document is entitled “Contract for sale of state-owned block of shares.” Upon information and belief the document is in Russian. This document was produced by Plaintiff in Almaty I.

15. Attached as **Exhibit 13** is a certified translation of Exhibit 12, the contract between Kuandyk Mukhambetgalievich Biskultanov acting on behalf of Almaty-Demalys and Viled Establishment for 49% of the state-owned block of shares, dated April 18, 2001. Pursuant to a protective order, this document is filed under

1 seal.

2 16. Attached as **Exhibit 14, Bates-numbered COA0000045-46**, is a true and  
 3 correct copy of a resolution from Defendant Viktor Khrapunov (“Viktor”), acting  
 4 as Mayor of the City of Almaty, resolving to sell land at the 232 Gornaya St.  
 5 address into private ownership to Almaty-Demalys, entitled “No. 1024/75,” dated  
 6 November 13, 2000. Upon information and belief the document is in Russian.  
 7 This document was produced by Plaintiff in Almaty I. Pursuant to a protective  
 8 order, this document is filed under seal.

9 17. Attached as **Exhibit 15** is a certified translation of Exhibit 14, a resolution  
 10 from Viktor, acting as Mayor of the City of Almaty, resolving to sell land at the  
 11 232 Gornaya St. address into private ownership to Almaty-Demalys, entitled “No.  
 12 1024/75,” dated November 13, 2000. Pursuant to a protective order, this document  
 13 is filed under seal.

14 18. Attached as **Exhibit 16, Bates-numbered COA0001065**, is a true and  
 15 correct copy of the registration document for Almaty-Demalys, dated August 28,  
 16 2003. Upon information and belief the document is in Russian. This document  
 17 was produced by Plaintiff in Almaty I. Pursuant to a protective order, this  
 18 document is filed under seal.

19 19. Attached as **Exhibit 17** is a certified translation of Exhibit 16, the  
 20 registration documents for Almaty-Demalys, dated August 28, 2003. In her  
 21 certification, the translator identified the document by its identification number,  
 22 CTRL-ED-20150624-0000001\_31, not its Bates number COA0001065. I certify  
 23 that CTRL-ED-20150624-0000001\_31 is the same document that was produced by  
 24 Plaintiff in Almaty I as COA0001065. Pursuant to a protective order, this  
 25 document is filed under seal.

26 20. Attached as **Exhibit 18, Bates-numbered COA0001035-36**, is a true and  
 27 correct copy of the Resolution from Karasha Plus LLP transferring the 232  
 28 Gornaya St. property, dated October 3, 2003. Upon information and belief the

document is in Russian. This document was produced by Plaintiff in Almaty I.  
Pursuant to a protective order, this document is filed under seal.

21. Attached as **Exhibit 19** is a certified translation of Exhibit 18, the Resolution from Karasha Plus LLP transferring the 232 Gornaya St. property, dated October 3, 2003. In the certification, the translator identified the document by its identification number, CTRL-ED-20150624-0000001, not its Bates number COA0001035. I certify that the CTRL-ED-20150624-0000001 is the same document that was produced by Plaintiff in Almaty I as COA0001035. Pursuant to a protective order, this document is filed under seal.

22. Attached as **Exhibit 20, Bates-numbered COA0000406**, is a true and correct copy of the Agreement of the Assets Transfer to the Authorized Capital of Partnership, transferring the 232 Gornaya St. property, dated October 6, 2003. Upon information and belief, the document is in Russian. This document was produced by Plaintiff in Almaty I. Pursuant to a protective order, this document is filed under seal.

23. Attached as **Exhibit 21** is a certified translation of Exhibit 20, the Agreement of the Assets Transfer to the Authorized Capital of Partnership, transferring the 232 Gornaya St. property, dated October 6, 2003. Pursuant to a protective order, this document is filed under seal.

24. Attached as **Exhibit 22, Bates-numbered COA0000055-58**, is a sales contract between Building Service Company LLP and Stroytex LLP, dated October 7, 2003. Upon information and belief the document is in Russian. This document was produced by Plaintiff in Almaty I. Pursuant to a protective order, this document is filed under seal.

25. Attached as **Exhibit 23** is a certified translation of Exhibit 22, a sales contract between Building Service Company LLP and Stroytex LLP, dated October 7, 2003. Pursuant to a protective order, this document is filed under seal.

26. Attached as **Exhibit 24, Bates-numbered GE0000005**, is a final statement



1 for the purchase of the property located at 606 N. Alta Drive, Beverly Hills, CA,  
 2 entitled "Master Final Settlement Statement" and dated March 15, 2012. This  
 3 document was produced to my office by Granite Escrow Services in response to a  
 4 subpoena served in related case Almaty I. I certify that **Exhibit 24** is a true and  
 5 correct copy of the document received in my office from Granite Escrow Services.

6 27. Attached as **Exhibit 25, Bates-numbered GE0000199**, is a copy of the  
 7 Amended Escrow Instructions for 606 N. Alta Drive, Beverly Hills, CA, dated  
 8 February 8, 2012. This document was produced to my office by Granite Escrow  
 9 Services in response to a subpoena served in related case Almaty I. I certify that  
 10 **Exhibit 25** is a true and correct copy of the document received in my office from  
 11 Granite Escrow Services.

12 28. Attached as **Exhibit 26** is a copy of email chains relating to a final walk-  
 13 through and account set-up for the property at 606 N. Alta Drive, Beverly Hills,  
 14 CA, between Elvira and Zach Goldsmith, Iliyas, Iliyas's attorney, and Mark  
 15 Gillieron. This document was produced to my office by Hilton & Hyland Real  
 16 Estate Service in response to a subpoena in related case Almaty I. I certify that  
 17 **Exhibit 26** is a true and correct copy of the document received in my office.

18 Pursuant to a protective order, this document is filed under seal.

19 29. Attached as **Exhibit 27** is a copy of a wire transfer for \$163,492.50 from  
 20 Compagnie Privee De Conseils Et D'I in Switzerland and Citibank, New York to  
 21 Granite Escrow Services in Beverly Hills, CA for the 606 N. Alta Drive property  
 22 in Beverly Hills, CA, dated December 30, 2011. This document was produced to  
 23 my office by Granite Escrow Services in response to a subpoena in related case  
 24 Almaty I. I certify that **Exhibit 27** is a true and correct copy of the document  
 25 received in my office from Granite Escrow Services.

26 30. Attached as **Exhibit 28, Bates-numbered GE0000329-30**, is a copy of a  
 27 wire transfer for \$5,366,212.53 from Chabrier & Associates in Switzerland and to  
 28 Granite Escrow Services to the Beverly Hills Trust Account for the 606 N. Alta

1 Drive property in Beverly Hills, CA, dated March 15, 2012. This document was  
 2 produced to my office by Granite Escrow Services in response to a subpoena in  
 3 related case Almaty I. I certify that **Exhibit 28** is a true and correct copy of the  
 4 document received in my office from Granite Escrow Services.

5 31. Attached as **Exhibit 29** is an email between Iliyas, his real estate agent, Zach  
 6 Goldsmith, and his sister, Elvira, dated November 28, 2012. This document was  
 7 produced to my office by Hilton & Hyland Real Estate Services in response to a  
 8 subpoena in related case Almaty I. I certify that **Exhibit 29** is a true and correct  
 9 copy of the document received in my office. Pursuant to a protective order, this  
 10 document is filed under seal.

11 32. Attached as **Exhibit 30, Bates-numbered GE0000610**, is an email with the  
 12 subject line "Re: 606 N. Alta Drive" between Zach Goldsmith, Iliyas's real estate  
 13 agent, and Mark Fishman, Iliyas's escrow agent, dated January 11, 2013. This  
 14 document was produced to my office by Granite Escrow Services in response to a  
 15 subpoena in related case Almaty I. I certify that **Exhibit 30** is a true and correct  
 16 copy of the document received in my office from Granite Escrow Services.

17 33. Attached as **Exhibit 31, Bates-numbered GE0000707-708** is a copy of a  
 18 wire transfer for \$5,997,956.15 from Vilder Company S.A. to Granite Escrow  
 19 Services in Beverly Hills, CA for the 628 N. Alta Drive property in Beverly Hills,  
 20 CA, dated January 18, 2013. This document was produced to my office by Granite  
 21 Escrow Services in response to a subpoena in related case Almaty I. I certify that  
 22 **Exhibit 31** is a true and correct copy of the document received in my office from  
 23 Granite Escrow Services.

24 34. Attached as **Exhibit 32, Bates-numbered GE0000705-806** is a copy of a  
 25 wire transfer for \$186,000.00 from Vilder Company S.A. to Granite Escrow  
 26 Services in Beverly Hills, CA for the 628 N. Alta Drive property in Beverly Hills,  
 27 CA, dated November 30, 2012. This document was produced to my office by  
 28 Granite Escrow Services in response to a subpoena in related case Almaty I. I



1 certify that **Exhibit 32** is a true and correct copy of the document received in my  
 2 office from Granite Escrow Services.

3 35. Attached as **Exhibit 33, Bates-numbered GE0000580**, is a copy of the  
 4 closing documents for the property at 628 N. Alta Drive, Beverly Hills, CA. This  
 5 document was produced to my office by Granite Escrow Services in response to a  
 6 subpoena in related case Almaty I. I certify that **Exhibit 33** is a true and correct  
 7 copy of the document received in my office from Granite Escrow Services.

8 36. Attached as **Exhibit 34, Bates-numbered GE0000490-494**, is a copy of an  
 9 assignment agreement between the tenant at 628 N. Alta Drive, Beverly Hills CA  
 10 and 628 Holdings LLC. This document was produced to my office by Granite  
 11 Escrow Services in response to a subpoena in related case Almaty I. I certify that  
 12 **Exhibit 34** is a true and correct copy of the document received in my office from  
 13 Granite Escrow Services.

14 37. Attached as **Exhibit 35** are true and correct copies of excerpts from the  
 15 transcript of the deposition of Michael Woloz, Volume I, taken on June 9, 2015.

16 38. Attached as **Exhibit 36** is a copy of the Orbis for SDG Capital SA,  
 17 containing information that is available to the public, including records, company,  
 18 structure, and Capital IQ. It was obtained from a website maintained by Bureau  
 19 van Dyke and is publically available here: <http://www.bvdinfo.com/en-gb/home>.

20 39. Attached as **Exhibit 37** is copy of an exhibit from a related New York  
 21 action, *Triadou SPV, S.A. v. CF 135 Flat LLC, CFWest Member LLC, and The*  
 22 *Chetrit Group LLC*, Index No. 654362 (June 10, 2015) (Dkt. No. 74, Ex. B).

23 40. Attached as **Exhibit 38** is a copy of a Motion for Summary Judgment from  
 24 the related New York action, *Triadou SPV, S.A. v. CF 135 Flat LLC, CFWest*  
 25 *Member LLC, and The Chetrit Group LLC*, Index No. 654362 (Nov. 10, 2014)  
 26 (Dkt. No. 3) (granting motion for summary judgment for Triadou SPV, S.A.).

27 41. Attached as **Exhibit 39** is a copy of an Ex Parte Application from the related  
 28 New York action, *Triadou SPV, S.A. v. CF 135 Flat LLC, CFWest Member LLC*,

1 *and The Chetrit Group LLC*, Index No. 654362 (Mar. 30, 2015) (Dkt. No. 45)  
 2 (Defendants The Chetrit Group LLC, CF135 Flat LLC, and CF 135 West Member  
 3 LLC filed an ex parte application to stay the judgment in favor of Triadou SPV  
 4 S.A.).

5 42. Attached as **Exhibit 40** is a copy of the website maintained by the Columbia  
 6 University Press, promoting Nazarbayev-Our Friend the Dictator, a book by Viktor  
 7 Khrapunov for sale on October of 2015 at the price of \$15.99. It is publically  
 8 available here:

9 <http://cup.columbia.edu/book/nazarbayev-our-friend-the-dictator/9783838208077>

10 43. Attached as **Exhibit 41**, is an email sent from Zach Goldsmith, Iliyas's real  
 11 estate agent, dated November 16, 2012. This document was produced to my office  
 12 by Hilton & Hyland Real Estate Services in response to a subpoena in related case  
 13 Almaty I. I certify that **Exhibit 41** is a true and correct copy of the document  
 14 received in my office. Pursuant to a protective order, this document is filed under  
 15 seal.

16 44. Attached as **Exhibit 42** is a copy of Viktor's personal website, detailing  
 17 biographical information. It is publically available here:

18 [http://www.leila-khrapunova.com/en/family\\_/husband/](http://www.leila-khrapunova.com/en/family_/husband/)

19 45. Attached as **Exhibit 43** is a copy of Leila's personal website, detailing  
 20 biographical information. It is publically available here:

21 <http://www.viktor-khrapunov.com/en/biography/>

22  
 23 Dated: August 21, 2015

LATHAM & WATKINS LLP

24  
 25 By: /s/  
 26 Julie R. F. Gerchik